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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 27th April, 1984:—

BILL NO. VI OF 1984

A Bill to declare the Vaikunth Mehta National Institute of Co-operative Management, Pune in the State of Maharashtra, to be an institution of national importance and to provide for its incorporation and matters connected therewith.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Vaikunth Mehta National Institute of Co-operative Management, Pune, Act, 1984. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Declaration of the Vaikunth Mehta National Institute of Co-operative Management Pune as an institution of national importance.

2. Whereas the objects of the Vaikunth Mehta National Institute of Co-operative Management, Pune for Studies and Training in Co-operative Management are such as to make the institution one of national importance, it is hereby declared that the institution, known as the Vaikunth Mehta National Institute of Co-operative Management, Pune, in the State of Maharashtra, is an institution of national importance.

Definitions

3. In this Act, unless the context otherwise requires,—

(*a*) "Chairman" means the Chairman of the Governing Body;

(*b*) "Director" means the Director of the Institute;

(*c*) "Fund" means the Fund of the Institute referred to in section 16;

(*d*) "Governing Body" means the governing body of the Institute;

(*e*) "Institute" means the institution known as the Vaikunth Mehta National Institute of Co-operative Management, Pune incorporated under this Act;

(*f*) "member" means a member of the Institute;

(*g*) "President" means the President of the Institute;

(*h*) "regulation" means a regulation made by the Institute;

(*i*) "rule" means a rule made by the Central Government.

Incorporation of Institute.

4. The Vaikunth Mehta National Institute of Co-operative Management, Pune, for Studies and Training in Co-operative Management, is hereby constitued a body corporate by the name of the Vaikunth Mehta National Institute of Co-operative Management, Pune, and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued.

Composition of Institute.

5. The Institute shall consist of the following members, namely:—

(*a*) the Vice-Chancellor of the Pune University, *ex-officio;*

(*b*) the Director, *ex-officio;*

(*c*) four members to be nominated by the Central Government to represent respectively the Departments or, as the case may be, Ministries of that Government dealing with Co-operation, Planning Commission, Finance and Education;

(*d*) two members to be nominated by the Government of the State of Maharashtra to represent respectively the Departments of, as the case may be, Ministries of that Government dealing with Planning and Co-operation;

(*e*) six persons of eminence connected with cooperation, agricultural economics, education, agriculture, public administration, sociology to be nominated by the Central Government in the manner prescribed by rules;

(*f*) three co-operators or agriculturists to be elected by the apex Co-operative Body in the State of Maharashtra out of whom one shall be elected by the Central Co-operative Bank in the State of Maharashtra;

(*g*) three members of Parliament of whom two shall be elected from among themselves by the members of the House of the People and one from among themselves by the members of the Council of States.

Term of office of and vacancies among members.

6. (*1*) Save as otherwise provided in this section, the term of office of a member shall be five years from the date of his nomination or election.

(*2*) The term of office of a member elected under clause (*g*) of section 5 shall come to an end as soon as he ceases to be a member of the House from which he was elected.

(*3*) The term of office of an *ex-officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(*4*) The term of office of a member nominated or elected to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he is nominated/elected.

(*5*) An outgoing member other than a member elected under clause (*g*) of section 5 shall, unless the Central Government otherwise directs, continue in office until another person is nominated as a member in his place.

(*6*) An outgoing member shall be eligible for re-nomination or re-election.

(*7*) A member may resign his office by writing under his hand addressed to the Central Government but he shall continue in office until his resignation is accepted by that Government.

(*8*) The manner of filling vacancies among members shall be such as may be prescribed by rules.

President of Institute.

7. (*1*) There shall be a President of the Institute who shall be nominated by the Central Government from among the members other than the Director.

(*2*) The President shall exercise such powers and discharge such functions as are laid down in this Act or as may be prescribed by rules or regulations.

Allowances of President and members.

8. The President and other members shall receive such allowances, if any, from the Institute as may be prescribed by rules.

Meetings of Institute.

9. The Institute shall hold its first meeting at such time and place as may be appointed by the Central Government and shall observe such rules of procedure in regard to the transaction of business at the first meeting as may be laid down by that Government; and thereafter the Institute shall meet at such times and places and observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.

Governing Body and other committees of Institute:

10. (*1*) There shall be a Governing Body of the Institute which shall be constituted by the Institute in such manner as may be prescribed by regulations:

Provided that the number of persons who are not members of the Institute shall not exceed one-third of the total membership of the Governing Body.

(*2*) The Governing Body shall be the Executive Committee of the Institute and shall exercise such powers and discharge such functions as the Institute may, by regulations made in this behalf, confer or impose upon it.

(*3*) The President shall be the Chairman of the Governing Body and as Chairman thereof shall exercise such powers and discharge such functions as may be prescribed by regulations.

(*4*) The procedure to be followed in the exercise of its powers and discharge of its functions by the Governing Body, and the term of office of, and the manner of filling vacancies among, the members of the Governing Body shall be such as may be prescribed by regulations.

(*5*) Subject to such control and restrictions as may be prescribed by rules, the Institute may constitute as many standing committees and as many *ad hoc* committees as it thinks fit for exercising any power or discharging any function of the Institute or for inquiring into, or reporting or advising upon, any matter which the Institute may refer to them.

(*6*) The Chairman and members of the Governing Body and Chairman and members of a standing committee of an *ad hoc* committee shall receive such allowances, if any, as may be prescribed by regulations.

Staff of Institute.

11. (*1*) There shall be a chief executive officer of the Institute who shall be designated as the Director of the Institute and shall, subject to such rules as may be made in this behalf, be appointed by the Institute:

Provided that the first Director of the Institute shall be appointed by the Central Government.

(*2*) The Director shall act as the Secretary to the Institute as well as the Governing Body.

(*3*) The Director shall exercise such powers and discharge such functions as may be prescribed by regulations or as may be delegated to him by the Institute or the President or by the Governing Body or the Chairman.

(4) Subject to such rules as may be made in this behalf, the Institute may appoint such number of other officers and employees as may be necessary for the exercise of its powers and discharge of its functions and may determine the designations and grades of such other officers and employees.

(5) Subject to such rules as may be made in this behalf, the Director and other officers and employees of the Institute shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, gratuity, provident fund and other matter as may be prescribed by regulations made in this behalf.

Objects of Institute:

12. The objects of the Institute shall be—

(*a*) to develop suitable patterns of teaching in all branches of Co-operation, both at under-graduate and post-graduate levels, so as to establish high standard of co-operative education in India.

(*b*) to constantly endeavour at raising the standards of training programmes so as to make them more satisfying and acceptable,

(*c*) to facilitate regular inflow of fresh ideas and new techniques in the field of co-operation and a corresponding outflow of trained personnel imbiding these ideas and techniques,

(*d*) to produce trained man-power both for the growing needs of the co-operative movement in India, and for organising the in-service training programmes for Apex Co-operative Federations.

(*e*) to co-operate or collaborate with other national and|or foreign institutes and institutions and organisations in the field of co-operation.

Functions of Institute:

13. With a view to the promotion of the objects specified in section 12, the Institute may—

(*a*) provide for under-graduate and post-graduate teaching and training in the field of Co-operative management and other allied subjects;

(*b*) provide facilities for research in the various branches of such subjects

(*c*) conduct experiments in integrated methods of under-graduate and post-graduate Co-operation management education in order to arrive at satisfactory standards of such education;

(*d*) prescribe courses and curricula for under-graduate and post-graduate studies;

(*e*) hold examinations and grant such degrees, diplomas and other academic distinctions and titles in under-graduate and post-graduate Co-operative management as may be laid down in the regulations;

(*f*) institute and appoint persons to professorships, readerships, lectureships and posts of other descriptions in accordance with the regulations;

(*g*) receive grants from the Governments and gifts, donations, benefactions, bequests and transfers of properties, both movable and

immovable, from donors, benefactors, testators or transferors, as the case may be;

(*h*) deal with any property belonging to, or vested in, the Institute in any manner which is considered necessary for promoting the objects specified in section 12;

(*i*) demand and receive such fees and other charges as may be prescribed by regulations; and

(*j*) do all other acts and things as may be necessary to further the objects specified in section 12.

Vesting of property.

14. All properties which had vested in the Vaikunth Mehta National Institue of Co-operative Management, Pune, immediately before the commencement of this Act, shall, on and from such commencement, vest in the Institute.

Payment to Institute.

15. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as may be considered necessary by that Government for the exercise of its powers and discharge of its functions under this Act.

Fund of Institute.

16. (*1*) The Institute shall maintain a Fund to which shall be credited—

(*a*) all moneys provided by the Central Government and the Government of Maharashtra;

(*b*) all fees and other charges received by the Institute;

(*c*) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(*d*) all moneys received by the Institute in any other manner or from any other source.

(*2*) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(*3*) The Fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under section 13.

Budget of Institute.

17. The Institute shall prepare, in such form and at such time every year, as may be prescribed by rules, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Institute and shall forward to the Central Government such number of copies thereof as may be prescribed by rules.

Accounts and audit.

18. (*1*) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may, by rules, prescribe, and in accordance with such general directions as may be issued by that Government, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of Inida and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute as well as of the Institutions established and maintained by it.

(4) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

Annual report.

19. The Institute shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed by rules and a copy of the report shall be laid, as soon as may be after it is received, before both Houses of Parliament.

Pension and provident funds.

20. (1) The Institute shall constitute for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be prescribed by regulations, such pension and provident funds as it may deem fit.

(2) Where any such pension or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

Authentication of orders and instruments of Institute.

21. All orders and decisions of the Institute shall be authenticated by the signature of the President or any other member authorised by the Institute in this behalf, and all other instruments shall be authenticated by the signature of the Director or any other officer of the Institute authorised in like manner in this behalf.

Acts and proceedings not to be invalidated by vacancies, etc.

22. No act done or proceeding taken by the Institute, Governing Body or any standing or *ad hoc* committee under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Institute, Governing, Body or such standing or *ad hoc* committee.

Control by Central Government.

23. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

Disputes between Institute and Central Government.

24. If in, or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute arises between the Institute and the Central Government, the decision of the Central Government on such dispute shall be final.

Returns and information.

25. The Institute shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

Transfer of Service of existing employees

26. Subject to the provisions of this Act, every person who was employed in the Vaikunth Mehta National Institute of Co-operative Management, Pune, immediately before the commencement of this Act shall, on and from such commencement, become an employee of the Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to leave, pension, gratuity, provident fund and other matters as he would have held the same on the date of commencement of this Act if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations:

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government.

Power to remove difficulties.

27. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, within a period of three years from the commencement of this Act, by order published in the Official Gazette, make such provisions or give such directions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

Power to make rules.

28. (*1*) The Central Government, after consultation with the Institute, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that consultation with the Institute shall not be necessary on the first occasion of the making of rules under this section, but the Central Government shall take into consideration any suggestion which the Institute may make in relation to the amendment of such rules after they are made.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(*a*) the manner of nomination of members under clauses (*c*), (*d*) and (*e*) of section 5;

(*b*) the manner of filling of vacancies among members under section 6;

(*c*) the powers and functions to be exercised and discharged by the President under sub-section (*2*) of section 7;

(*d*) the allowances, if any, to be paid to the President and other members under section 8;

(*e*) the control and restrictions in relation to the constitution of standing and *ad hoc* committees under sub-section (5) of section 10;

(*f*) the appointment of the Director under sub-section (1) of section 11;

(*g*) the number of officers and employees that may be appointed by the institute and the manner of such appointment under sub-section (4) of section 11;

(*h*) the salaries and allowances to be paid to the Director and other officers and employees of the Institute under sub-section (5) of section 11;

(*i*) the form in which, and the time at which, the budget shall be prepared by the Institute and the number of copies thereof to be forwarded to the Central Government under section 17;

(*j*) the form in which an annual statement of accounts including the balance-sheet shall be prepared by the Institute under sub-section (1) of section 18;

(*k*) the form in which and the date before which, the report of the activities of the Institute shall be submitted to the Central Government under section 19;

(*l*) the form and manner in which reports, returns and other informations are to be furnished by the Institute to the Central Government under section 27; and

(*m*) any other matter which has to be or may be prescribed by rules.

Power to make regulations.

29. (*1*) The Institute may, with the previous approval of the Central Government, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for—

(*a*) the powers and functions to be exercised and discharged by the President under sub-section (2) of section 7;

(*b*) the summoning and holding of meetings, other than the first meeting, of the Institute under section 9, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum;

(c) the manner of constituting the Governing Body and standing and *ad hoc* committees under section 10, the term of office of, and the manner of filling vacancies among, the members of, the Governing Body and standing and *ad hoc* committees;

(*d*) the powers and functions to be exercised and discharged by the Governing Body and the Chairman under sub-sections (2) and (3) of section 10;

(*e*) the allowances, if any, to be paid to the Chairman and the members of the Governing Body and of standing and *ad hoc* committees under sub-section (6) of section 10;

(*f*) the procedure to be followed by the Governing Body and standing and *ad hoc* committees in the conduct of their business, exercise of their powers and discharge of their functions under section 10;

(*g*) the powers and functions to be exercised and discharged by the Director under sub-section (*3*) of section 11;

(*h*) the tenure of office, salaries and allowances and other conditions of service of the Director and other officers and employees of the Institute including teachers appointed by the Institute under sub-section (*5*) of section 11;

(*i*) the management of the properties of the Institute under section 13;

(*j*) the degrees, diplomas and other academic distinctions and titles which may be granted by the Institute under clause (*e*) of section 13;

(*k*) the professorships, readerships, lecturerships and other posts which may be instituted and persons who may be appointed to such professorships, readerships, lecturerships and other posts under clause (*f*) of section 13;

(*l*) the fees and other charges which may be demanded and received by the Institute under clause (*i*) of section 13;

(*m*) the manner in which, and the conditions subject to which pension and provident funds may be constituted for the benefit of officers, teachers and other employees of the Institute under sub-section (1) of section 20;

(*n*) the matters relating to tenure of office, remuneration and terms and conditions of service of the persons referred to in section 26; and

(*o*) any other matter for which under this Act provisions may be made by regulations.

(*2*) Notwithstanding anything contained in sub-section (*1*), the first regulations under this Act shall be made by the Central Government; and any regulations so made may be altered or rescinded by the Institute in exercise of its power under sub-section (1).

Rules and regulations to be laid before Parliament.

30. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modifications in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

STATEMENT OF OBJECTS AND REASONS

The Vaikunth Mehta National Institute of Co-operative Management Pune, is the only Institute of its kind in the whole country, for imparting intensive training and education in cooperative management.

Late Shri Vaikunthlal Mehta, after whom this Institute is named, was a pioneer in Co-operative Movement in the former Bombay Presidency. His keen knowledge of finance especially Co-operative Finance was well-known. He was a pillar of strength to the budding co-operative movement in his time. As a great believer in Gandhian economics, he had a living faith in co-operative management of finances also.

The Institute was established in the year 1967 as a unique institute to impart knowledge and administrative skills.

Government had constituted a committee under the Chairmanship of late Dr. D. R. Gadgil, one time Deputy Chairman of the Planning Commission. His services to present day growth of co-operative movement in Maharashtra especially in processing industries like sugar are well-known. Keenly aware of the growing need of fully trained Co-operative Managers, he prepared a project of this institute and it was on the basis of his vision that the pattern of training and research to be undertaken through this institute was established. Government of India fully accepted the report of this committee better known as 'Gadgil Committee' and decided to proceed on the lines suggested by this Committee. He had pin-pointed the need for research, publication and training of higher cadres for Co-operative Management. He visualized an autonomous educational institute which would address to this task in the spirit of higher academic and educational discipline conducive to serious research in all aspects of Co-operative Management and Finances.

This is the high heritage of the Institute. Unfortunately, the report of Gadgil Committee has not fully been implemented yet and this has created a serious handicap in the effective and efficient functioning of the Institute.

The Bill proposes to remove all the impediments in the process of creating such an institution to fulfil not only the dreams of late Shri Vaikunth Mehta and Dr. D. R. Gadgil but also to fulfil the need of providing trained and higher Management, which is the accepted object of this Institute. The Bill seeks to fulfil this long felt need of an institution which would be providing managerial and administrative skill to create cadre of evergoing co-operative sector. It is proposed to make the Institute a statutory body corporate and declare it as an institution of national importance under entry 64 of List I of the Seventh Schedule to the Constitution of India so that it may develop as a high level institution of Co-operative management both at the undergraduate and post-graduate levels with its doors open for all

SURESH KALMADI.

FINANCIAL MEMORANDUM

Clause 15 of the Bill provides for giving grants to the Institute after due appropriation made by Parliament by law in this behalf. At the current level of activity the recurring annual grant-in-aid by the Central Government to the Institute is estimated to be Rs. 75 lakhs per annum.

2. The Bill does not involve any other expenditure of a recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 28 of the Bill empowers the Central Government to make, after consultation with the Institute, rules by notification in the Official Gazette to carry out the purposes of the Act. The matters in respect of which such rules may be made are specified therein. These matters relate, *inter-alia,* to the manner of nomination of certain members of the Institute to the control and the restrictions in relation to the constitution of standing and *ad hoc* committees of the Institute, etc.

2 Clause 29 of the Bill empowers the Institute to make, with the previous approval of the Central Government, regulations consistent with the provisions of this Act and the rules made thereunder. The matters in respect of which such regulations may be made are specified therein. These matters relate, *inter alia,* to the procedure for conducting business at meetings other than the first meeting of the Institute, the manner of constituting the governing body and the standing and *ad hoc* committees, powers and functions of the governing body, and the Chairman thereof, etc.

3. The matters in respect of which rules and regulations may be made are matters of administrative detail and procedure and, as such, the delegation of legislative power is of a normal character.

II

BILL NO. VII OF 1984

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1984. Short title.

2. For article 371 of the Constitution, the following article shall be substituted, namely:— Substitution of new article for article 371.

371. (1) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Maharashtra or Gujarat, provide for the establishment of separate boards for the development of Maharashtra or, as the case may be, of Gujarat, and, in particular, of the districts of Nagpur, Akola, Amravati, Bhandara, Buldhana, Chandrapur, Wardha and Yavatmal in Vidarbha region and the districts of Aurangabad, Bir, Parbhani, Nanded, Osmanabad, Latur and Jalna in the Marathwada region and Saurashtra and Kutch in Gujarat, by the Government of Maharashtra or, as the case may be, by the Government of Gujarat. Special provision with respect to the States of Maharashtra and Gujarat.

(2) Each board shall take special steps to secure rapid and accelerated development of the said areas in all fields, educational, economic, cultural and social, in order to bring these areas in each State on par with other developed areas of the State.

(3) Each board shall make a report to the Government of the respective State and to the President after every six months regarding the progress of development in different fields and the executive power of the Union shall extend to the giving of directions to the board and the concerned Government as to the development measures taken or to be taken by the board in consultation with the Government of the State.

(4) The President may make such other orders in respect of the development of each State as he may consider necessary having regard to the requirements of each State.

STATEMENT OF OBJECTS AND REASONS

Under article 371 of the Constitution, a special provision for the development of the States of Maharashtra and Gujarat was made at the time of the formation of these States. In spite of the assurances to the effect that the underdeveloped areas of the States would not suffer for want of attention in the matter of development, actually such arear have not received a fair deal and the result is that the people in certain regions of these States continue to suffer and languish in the matter of development in the economic, social, educational and industrial fields.

It is, therefore, felt imperative that the people of Vidarbha, Marathwada, Saurashtra and Kutch are assured that speedy development measures will be taken in these regions. To this end, article 371 of the Constitution needs to be suitably amended.

Hence, this Bill.

VITHALRAO MADHAVRAO JADHAV

SUDARSHAN AGARWAL,
Secretary-General.

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